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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

H027340

Plaintiff and Respondent,

(Santa Clara County
Superior Court
No. CC310175)

v.

SHANNON WAYNE TORRES,

Defendant and Appellant.

_____/

Defendant pleaded no contest to failing to inform law enforcement of his new address or location (Pen. Code, § 290, subd. (g)(2)). He pleaded guilty to being under the influence of methamphetamine (Health & Saf. Code, § 11550, subd. (a)) and to possessing controlled substance paraphernalia (Health & Saf. Code, § 11364). After a court trial on allegations that defendant had suffered five prior “strike” juvenile adjudications (Welf. & Inst. Code, § 707, subd. (b)), the trial court found those allegations to be true. It then struck four of the five prior juvenile adjudications pursuant to *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, and Penal Code section 1385. The prior juvenile adjudication that was not stricken was for a prior forcible oral copulation committed in Tulare County (Pen. Code, § 288a, subd. (c)). Defendant was sentenced to 32 months in state prison and filed a timely notice of appeal.

Appointed appellate counsel has filed an opening brief which states the case and the facts but raises no issues. Defendant was notified of his right to submit written argument on his own behalf and has filed a letter brief with this court in which he contends he was denied due process when the trial court refused to allow him to be present at the hearing in Tulare County where it was determined whether or not to release defendant's juvenile records. Defendant argues "[t]he result of this error is that [he] is serving an enhanced sentence of 32 months rather than the 16 months or less that he would have been sentenced to if due process had been given to him."

The record reflects that the juvenile records from Tulare County were properly released to the prosecution pursuant to a petition through Welfare and Institutions Code section 827. We find no due process violation based upon the fact that defendant was not present in Tulare County to challenge the release of those records.

Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The judgment is affirmed.

Mihara, J.

WE CONCUR:

Rushing, P.J.

Elia, J.